

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office of the States of SMASSA OF FL. FLAT STATE AND TRAVERMENT OF WASHINGTON OF THE STATE OF T

APPLICATION NO	HI ING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO	
09 398,365	00 17 1999	SVEND HAVELUND	3985.240-US	9987	
75	90 01 14 2003				
NOVO NORDISK OF NORTH AMERICA INC 405 LEXINGTON AVENUE			EXAMINER		
			SIEW, JEFFREY		
SUTTE 6400 NEW YORK, N	X 101746401		ARTUNII P.		
			1637 DATE MAILED: 01-14-2003	16	

Please find below and or attached an Office communication concerning this application or proceeding.

	Appl	ication No.	Applicant(s)					
		98,365	HAVELUND ET A	L.				
Office Action Summary	Exan	niner	Art Unit					
		ey Siew	1656					
The MAILING DATE of this comm Period for Reply	nunication appears o	n the cover sheet	with the correspondence ad	dress				
A SHORTENED STATUTORY PERIOR THE MAILING DATE OF THIS COMMI - Extensions of time may be available under the provis after SIX (6) MONTHS from the mailing date of this of - If the period for reply specified above is less than this - If NO period for reply is specified above, the maximu - Failure to reply within the set or extended period for - Air y reply received by the Office later than three mon earned patent term adjustment. See 37 CFR 1 704(the	UNICATION. stons of 37 CFR 1 136(a) In communication ty (30) days, a reply within the m statutory period will apply treply will, by statute, cause the this after the mailing date of the	no event, however, may ne statutory minimum of t and will expire SIX (6) M ne application to become	a reply be timely filed hirty (30) days will be considered timel ONTHS from the mailing date of this co ABANDONED (35 U.S.C. § 133)	y ommunication				
Status								
2a) This action is FINAL .	2b)⊠ This actio							
3) Since this application is in cond closed in accordance with the p				e merits is				
Disposition of Claims	radioo ariadi Expar	to quay,0,	, = . = . = .					
4) Claim(s) 89-131 and 146-153 is	are pending in the a	application.						
4a) Of the above claim(s)	is/are withdrawn fror	m consideration.						
5) Claim(s) <u>89-131,146-149,151 an</u>	5) Claim(s) 89-131,146-149,151 and 152 is/are allowed.							
6)⊡ Claim(s) <u>150 and 153</u> is/are rejected.								
7) Claim(s) is/are objected to	Claim(s) is/are objected to.							
8) Claim(s) are subject to res	striction and/or elect	ion requirement.						
9)☐ The specification is objected to by	the Examiner.							
10) The drawing(s) filed on is/a	are: a)☐ accepted or	b) objected to b	y the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
11)☐ The proposed drawing correction filed on is: a)☐ approved b)☐ disapproved by the Examiner.								
If approved, corrected drawings are	e required in reply to the	nis Office action.						
12)☐ The oath or declaration is objecte	d to by the Examine	r.						
Priority under 35 U.S.C. §§ 119 and 120 $$								
13) Acknowledgment is made of a cl	aim for foreign priori	ty under 35 U.S.C	§ 119(a)-(d) or (f).					
a) All b) Some * c) None of:								
1. Certified copies of the prio	1. Certified copies of the priority documents have been received.							
2. Certified copies of the priority documents have been received in Application No								
3. Copies of the certified cop application from the InSee the attached detailed Office a	ternational Bureau (PCT Rule 17.2(a)		Stage				
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Attachment(s)								
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Application/Control Number: 09/398,365

Art Unit: 1656

DETAILED ACTION

Request for Continued Examination

1. The request filed on 9/23/02 for a Request for Continued Examination (RCE) under 37 CFR 114 is acceptable. An action on the RCE follows.

Pending claims are 89-131 and 146-153.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 150 & 153 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A) Claims 150 & 153 which depend on claim 147 but recite insulin or insulin analogue. It is unclear as to whether the phrase refers to or in addition to the insulin derivative of claim 147.

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SUMMARY

3. Claims 89-131 & 146-149, 151 & 152 are allowable. Claims 150 & 153 are rejected under 112 second paragraph but free of the prior art. There is no prior art that teach or suggest the insuline derivative in claim 89.

CONCLUSION

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Siew whose telephone number is (703) 305-3886 and whose e-mail address is Jeffrey.Siew(a uspto.gov. However, the office cannot guarantee security through the e-mail system nor should official papers be transmitted through this route. The examiner is on flex-time schedule and can best be reached on weekdays from 6:30 a.m. to 3 p.m. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Gary Benzion, can be reached on (703)-308-1119.

Any inquiry of a general nature, matching or filed papers or relating to the status of this application or proceeding should be directed to the <u>Tracey Johnson</u> for Art Unit 1637 whose telephone number is (703)-305-2982.

Papers related to this application may be submitted to Group 1600 by facsimile

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Gazette, 1096 OG 30 (November 15, 1989). The CM1 Center numbers for Group 1600 are Voice (703) 308-3290 and Before Final FAX (703) 872-9306 or After Final FAX (703) 30872-9307.

January 12, 2003